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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,420	08/05/2003	Carl Kubitz	LXL-POS	7332
7590 05/03/2005 DONALD J. LENKSZUS PO BOX 3064 CAREFREE, AZ 85377			EXAMINER BARBEE, MANUEL L	
			ART UNIT	PAPER NUMBER
			2857	

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/635,420

Applicant(s)

KUBITZ, CARL

Examiner

Manuel L. Barbee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-18 and 20 is/are rejected.
- 7) ☒ Claim(s) 6, 7 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 4, 8, 9, 11 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Venkataraman (US Patent No. 6,785,845) in view of Mohammadian et al. (US Patent No. 6,064,721).

With regard to an interface coupled to provide substitute input signals to a transaction initiation device processor in place of signals from a manually operable input of a transaction initiation device, as shown in claims 1 and 11, Venkataraman teaches target software on a point of sale (POS) device to simulate keyboard entries or card swipes and that communicates with a host computer (col. 1, line 55 - col. 2, line 43).

With regard to the interface being coupled to the human readable display of the transaction device, as shown in claims 1 and 11, Venkataraman teaches that the target sends screen display information from the POS terminal to the host computer (col. 1, lines 55-65; col. 2, lines 20-27). With regard to the interface being separate from the transaction initiation device communications port, as shown in claims 1 and 11, Venkataraman teaches target software on the transaction initiation device (col. 4, lines 31-51; Fig. 1, target 9, communication port 7). With regard to a test processor and a computer program executable on the test processor to access the interface and provide

test scripts, as shown in claims 1 and 11, Venkataraman teaches a host provided on a personal computer and scripting the sequences of messages to be sent to the terminal (col. 2, lines 1-5; col. 3, lines 50-54). Venkataraman does not teach an interface for converting proprietary signaling within the transaction initiation device for use with multiple proprietary arrangements or that the interface contains a standard interface portion and a transaction initiation device portion that is configured to permit automatic operation and reading of the transaction initiation device, as shown in claims 1 and 11.

Mohammadian et al. teach a modular test instrument that includes an interface for use in testing instruments that includes a non-application specific base unit and an application module that is specific for each different instrument to be tested (col. 1, lines 10-36; col. 4, line 1- col. 5, line 6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the POS terminal test system, as taught by Venkataraman, to include an interface usable with multiple instruments, as taught by Mohammadian et al., because then the test instrument would have been more versatile (Mohammadian et al., col. 3, lines 39-42).

With regard to the interface being coupleable to a transaction initiation device memory and the computer program accessing the contents of the memory, as shown in claims 3 and 13, Venkataraman teaches the host accessing the memory of the POS terminal (col. 2, lines 60-63). With regard to a test processor, as shown in claims 4 and 14, Venkataraman teaches a personal computer for the host (col. 2, lines 1-5).

With regard to data collection and processing software to generate a data record of responses of the transaction initiation device, as shown in claim 8, Venkataraman

teaches collecting screen and status information from the POS terminal being tested (col. 4, line 58 - col. 5, line 21).

With regard to a Windows based operating system on a personal computer that allows the operator to display commands and to form a logical sequence of actions to form a test script, as shown in claim 9, Venkataraman teaches forming a test script using a Windows based computer (col. 6, line 59 - col. 7, line 5). Venkataraman does not teach that commands may be dragged and dropped, as shown in claim 9. The Examiner takes official notice that the drag and drop feature of the graphical user interface is well known and widely used in many Windows compatible applications. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the POS terminal test system, as taught by Venkataraman, to include a drag and drop graphical user interface, because then the user would have had more options for using the software.

With regard to obtaining specifications for the transaction initiation device, constructing commands corresponding to manual input sequences and presenting commands to simulate manual input sequences to form a test script, as shown in claim 15, Venkataraman teaches getting key codes for the terminal and allowing the user to create test scripts that simulate key strokes on the POS (col. 7, lines 6-29; col. 6, lines 51-63). Venkataraman does not teach that commands may be dragged and dropped, as shown in claim 15. The Examiner takes official notice that the drag and drop feature of the graphical user interface is well known and widely used in many Windows compatible applications. It would have been obvious to one of ordinary skill in the art at

the time the invention was made to modify the POS terminal test system, as taught by Venkataraman, to include a drag and drop graphical user interface, because then the user would have had more options for using the software.

3. Claim 2, 12, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Venkataraman in view of Mohammadian et al. as applied to claim 1, 11, 14 and 15 above, and further in view of Kubitz (US Patent No. 6,129,271).

Venkataraman and Mohammadian et al. teach all the limitations of claim 1 upon which claim 2 depends and claim 11 upon which claim 12 depends and claims 14 and 15 upon which claims 16 and 17 depend. Further with regard to capturing test script commands sent to the transaction device and data transmitted by the transaction initiation device in response to test script commands, as shown in claim 16, Venkataraman teaches logging communication between the host and the POS (col. 7, lines 34-45). With regard to providing a virtual display and a display of each test at the personal computer, as shown in claim 17, Venkataraman teaches a display of the target keypad layout (col. 6, lines 51-58). Venkataraman and Mohammadian et al. do not teach a trace file for storing each test script and the display results or responses, as shown in claims 2, 12 and 16. Kubitz teaches storing creating a trace file that includes the results of testing (col. 4, lines 62-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the POS terminal test system combination, as taught by Venkataraman and Mohammadian et al., to include a trace file, as taught by Kubitz, because then the test results would have been available

for analysis and comparison with other test results at a later time (Kubitz, col. 4, line 65 - col. 5, line 6).

4. Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Venkataraman in view of Mohammadian et al. as applied to claims 1 and 4 above, and further in view of Lawlor et al. (US Patent No. 5,220,501).

Venkataraman and Mohammadian et al. teach all the limitations of claim 1 upon which claim 5 depends and claim 4 upon which claim 10 depends. Venkataraman and Mohammadian et al. do not teach a second computer program operable to provide scripted responses to the transaction initiation device, as shown in claim 5, or a second personal computer to provide scripted responses to data received via the communications port, as shown in claim 10. Lawlor teaches that a mainframe computer responds to communication from an automatic teller machine (ATM) (col. 21, lines 19-46). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the POS terminal test combination, as taught by Venkataraman and Mohammadian et al., to include a mainframe computer in communication with the POS terminal, because then the POS terminal would have been tested in its actual operating environment.

5. Claims 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Venkataraman in view of Mohammadian et al. and Kubitz as applied to claims 11 and 14-16 above, and further in view of Lawlor et al.

Venkataraman, Mohammadian et al. and Kubitz teach all the limitations of claims 11 and 14-16 upon which claims 18 and 20 depend. Venkataraman, Mohammadian et

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al. and Kubitz do not teach providing scripted responses to the transaction initiation device or executing a second computer program on a second personal computer to provide the responses, as shown in claims 18 and 20. Lawlor teaches that a mainframe computer responds to communication from an automatic teller machine (ATM) (col. 21, lines 19-46). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the POS terminal test combination, as taught by Venkataraman and Mohammadian et al., to include a mainframe computer in communication with the POS terminal, because then the POS terminal would have been tested in its actual operating environment.

Allowable Subject Matter

6. Claims 6, 7 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments filed 17 February 2005 have been fully considered but they are not persuasive. Applicant states that none of the references show that the interface provides substitute input signals to the inputs or that the test processor generates the test signals. Venkataraman teaches target software on a point of sale (POS) device to simulate keyboard entries or card swipes and that communicates with a host computer that generates the inputs (col. 1, line 55 - col. 2, line 43). The target software is an interface (col. 8, lines 32-38). Applicant states that none of the references teach that the interface is coupled to the human readable display.

Venkataraman teaches that the target can send information to the host regarding the screen display of the POS terminal (col. 2, lines 20-27). Applicant states that none of the references teach that the interface is separate from the communications port.

Venkataraman teaches target software, which is separate from the communication port, on the transaction initiation device (col. 4, lines 31-51; Fig. 1, target 9, communication port 7).

Applicant states that there is no suggestion in either of the references that an additional interface be added to a transaction initiation device or to provide a test interface at a transaction initiation device. Further, Applicant states that the references teach way from Applicant's invention. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the POS terminal test system, as taught by Venkataraman, to include an interface usable with multiple instruments, as taught by Mohammadian et al., because then the test instrument would have been more versatile (Mohammadian et al., col. 3, lines 39-42). Mohammadian states, "It is a further object of the invention to provide such a modular test instrument wherein the application modules can be readily and conveniently interchanged, to provide increased versatility in use." Venkataraman teaches target software that is used as an interface between the host and the terminal application (col. 8, lines 32-38). By modifying the POS terminal test system to include an interface that has a general base unit and interchangeable application specific modules as taught by Mohammadian instead of only the specific target software, as taught by Venkataraman, the test system becomes more versatile since it can be used to test other systems such as an ATM

(Mohammadian col. 1, lines 11-20). Both references teach an interface at the transaction initiation device. Venkataraman teaches target software, which is separate from the communication port, on the transaction initiation device (col. 4, lines 31-51; Fig. 1, target 9, communication port 7). Mohammadian teaches an application specific module, which is physically connected to the system being tested (col. 5, lines 60 - col. 6, line 14).

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manuel L. Barbee whose telephone number is 571-272-2212. The examiner can normally be reached on Monday-Friday from 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc S. Hoff can be reached on 571-272-2216. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mlb
April 25, 2005


PATRICK ASSOUD
PRIMARY EXAMINER